

Remarks

Claims 1, 6-7, 11, 16, 19-20, 25 and 28 are rejected under 35 USC 102(e) as anticipated by Scott (U.S. Patent 6,484,260). These claims are cancelled by this amendment.

Claims 2-3, 4-5, 8, 9-10, 12, 13-15, 17-18, 21-24, and 26-27 is rejected under 35 USC 103(a) based on Scott, et al. in view of various other references. Of these claims only claims 3-4 and 12-13 remain in this application. The others have been cancelled.

Claim 3 has been rejected under 35 U.S.C. 103(a) based on Scott, et al. in view of Moriconi, et al. (U.S. Patent 6,484,260). Moriconi doesn't appear to disclose both an authorization profile and an audit log storage. Column 4, lines 31-33 of Mariconi, et al. disclose an "audit log." In the rejection of claim 2, now cancelled, the audit log set forth in Col. 3, lines 31-33 was referred to as an "authorization profile storage." An "authorization profile" as used by the applicant comprises such information such as permissible dates, times, functions, transactions, and remote computer systems allowed to be accessed by the user in addition to the biometric information stored in a data base integral with the biometric passkey. It is unclear in Moriconi, et al. what element is the authorization profile. Column 9, lines 3-5 of Moriconi seems to disclose an "audit log data file" which is the same as the "audit log" disclosed in Col. 4, lines 31-33. Claim 3 has now been amended to include both an "authorization profile storage," which was in now cancelled claim 2, and an "audit log storage" which is original to claim 3. Since Moriconi, et al. is unclear on the configuration of a user authorization profile it seems that Moriconi, et al. can not be properly combined with Scott, et al. to make obvious the subject matter of claim 3.

Claim 4 was rejected under 35 U.S.C. 103(a) based on Scott, et al. in view of Der Ghazarian, et al. (U.S. Patent 6,726,636). Der Ghazarian teaches a voice recognition breathalyzer in order to determine if there are alcohol indicators present in the breath of an individual. Claim 4 is amended to recite a plurality of biometric information options that, in this claim only, does not include voice recognition. Thus it is believed that claim

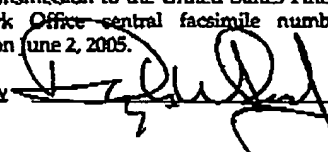
4, which does not include a voice recognition biometric, is not obvious over the combination taught by Scott and Der Ghazarian.

Claim 12 was rejected under 35 U.S.C. 103(a) based on Scott, et al. in view of Bolle, et al. (U.S. Patent 6,819,219). Claim 12 has been amended to recite all the limitations of claim 11, now cancelled, and making it clear that a proxy passkey is used in amended claim 12. Bolle, et al. does not recite a teaching of a proxy passkey. It is only the interpretation of the applicant's disclosure that causes the portable reader of Bolle, et al. to be construed as a proxy passkey. If, however, a person of ordinary skill in the art was presented with Bolle, et al., she would not necessarily take the "leap of faith" that the Bolle, et al. portable reader is a proxy passkey as there is no teaching in Bolle, et al. to take her there.

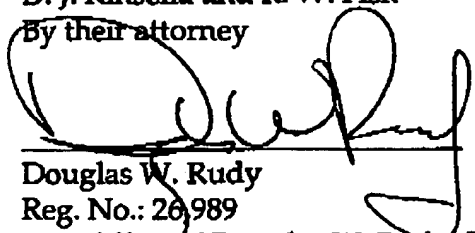
Claim 13 has been amended to recite not only "authorization profile storage" as originally claimed but also an "audit log storage" from now cancelled claim 14. Moriconi, et al. does not teach both as discussed above.

If the Examiner has any questions, please feel free to contact applicants' attorney at 602-741-8963.

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<p>CERTIFICATION OF FACSIMILE TRANSMISSION I hereby certify that this paper and the documents referred to as being attached herewith are being sent by facsimile transmission to the United States Patent and Trademark Office central facsimile number (703.872.9306) on June 2, 2005.</p> <p><u>Douglas W. Rudy</u> </p>

Respectfully submitted,
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